

Remarks

Applicant respectfully submits that the arguments made in the Office Action Response filed on April 29, 2003 and in the Supplemental Office Action Response filed on July 25, 2003, comply with 37 C.F.R. § 1.111(b) by pointing out why new claims 17-22 are patentable over the prior art cited in the February 7 Office Action. As discussed in both of these Responses, neither cited reference, alone or in combination with the other, teaches the comparison of color codes for two similarly colored products or, of even comparing two colored products. Thus, new claims 17-22 are patentable over the cited art for the reasons above; the cited art fails to teach the invention as claimed including comparison of two colored items.

In the Response to Amendment dated October 3, 2003, the Examiner specifically requests clarification regarding the "use of color standardization when the color of a product is not used, but only its surrogate standard." New claim 17 is directed to a system for comparing multiple apparel articles including, for example, using "a color matching criterion to determine whether the first colored apparel article color matches the second colored apparel article color." The Examiner's request for clarification is unclear as the new claims make no mention of a "surrogate standard" and there is no indication as to what or where prior art teaches a "surrogate standard." Applicant fails to see how the Examiner's request for clarification applies to new claims 17-22.

Moreover, Applicant traverses the allegation that page 5, lines 23-26 of Applicant's Specification admits that "color standardization is an option." The discussion at page 5 states, "In another example embodiment according to the present invention, an important advantage relating to color matching is achieved using a commonly-used color standard that covers sufficient color variations to permit various articles to be matched to one another. In one more specific embodiment, an industry color-standardization scheme is used." Accordingly, certain embodiments of the claimed invention are discussed at page 5, lines 23-26 but the Specification makes no "admission" in any regard.

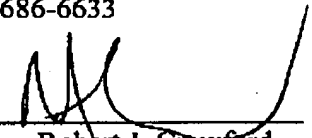
Applicant submits that new claims 17-22 are patentable over the cited prior for the reasons above and as presented in the Office Action Response filed on April 29, 2003 and the Supplemental Office Action Response filed on July 25, 2003.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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